

Remarks

Claims 1, 7, 12 and 18 are amended. The amendments are intended to merely explicitly state what was already implicit in the claims, and not intended to narrow the scope of the claims in any way. No new matter has been added. Claims 4, 5, 10, 11, 15, 16, 21 and 22 are cancelled. Claims 1-3, 6-9, 12-14, and 17-20 are pending.

Rejections under 35 U.S.C. § 102

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,643,641 issued to Snyder ("Snyder"). Applicant respectfully traverses this rejection.

Among the limitations of independent claim 1, which are neither disclosed nor suggested by Snyder are:

searching the record to determine a non-text object
appearing in the record;
transmitting a text representation of the qualifying
record to a user; and
transmitting a representation of the non-text object
to the user.

Similarly, among the limitations of independent claim 7, which are neither disclosed nor suggested by Snyder are:

searching the record for a non-text object appearing
in the record;

creating a representation of the object;
storing the representation in association with the
record. . . .

Among the limitations of independent claim 12, which are neither disclosed nor suggested by Snyder are:

a search module for locating at least one qualifying
record relating to the search query and for locating a non-
text object appearing in the record; and
a transmitter for transmitting a representation of the
non-text object and a text representation of the qualifying
record to the user.

Among the limitations of independent claim 18, which are neither disclosed nor suggested by Snyder are:

an indexing module for searching the record for a
link to a non-text object appearing in the record;
a subsystem for creating a representation of the
object;
a subsystem for storing the representation in
association with the record. . . .

While already implicit in the claims before amendment, independent claims 1, 7, 12 and 18 are amended to more explicitly state that the recited non-text object appears in the record. In contrast, in Snyder, when a page is indexed, the Snyder system only indexes “a small size presentation of what the web page looked like when it was indexed.” Column 28, lines 35-37. There is no searching a record or locating a non-text object that appears in the record as the Snyder system simply indexes a copy or “snapshot” of part of a web page.

Therefore, it is asserted that independent claims 1, 7, 12 and 18 are patentable over Snyder. Dependent Claims 2, 3, 6, 8, 9, 13, 14, 17, 19 and 20 include the above referenced limitations of independent claims 1, 7, 12 and 18 respectively and include further limitations which, when combined with the limitations referenced above, are also neither disclosed nor suggested in the art of record. It is asserted that these claims are patentable as well. Reconsideration of the rejection of Claims 1-3, 6-9, 12-14 and 17-20 under 35 U.S.C. §102 is respectfully requested in light of the remarks above.

Interpretation of the term “related”

Applicant notes that the Examiner has set forth in the Office Action a proposed interpretation of the term “related” used in at least some of the claims. While Applicant agrees that during examination, terms should be construed as broadly as possible, Applicant asserts that the scope of the term “related” should be determined in light of the specification and may or may not have the same scope as suggested by the Examiner.

Applicant also notes that recent case law cautions against the use of dictionaries in construing the scope of the claims and therefore use of Webster's New World College Dictionary may or may not prove to be relevant and/or beneficial in ascertaining the scope of terms in the claims. See, Philips v. AWH Corp. et al., 415 F.3d 1303 (Fed. Cir. 2005).

Ambiguous rejection based on "Edelman" and "Baclawski"

Despite Applicant's request, the Examiner still cites to prior art that is not the basis for a current rejection and states he is "not persuaded" that the pending claims are patentable over "Edelman" and "Baclawski" – presumably referencing U.S. Patent 6,442,576 to Edelman and U.S. Patent 6,505,191 to Baclawski. However, the Examiner goes further and states that these references are not "of record".

"Where the Applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." M.P.E.P. 707.07(f) The Examiner is to state his reasons for rejecting Applicant's arguments in the record. Id. "The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." M.P.E.P. §706. If the Examiner does not state how his understanding of a particular reference and a pending claim is different from that of the Applicant, the goal of the examination of the application is frustrated.

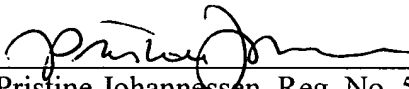
Applicant has clearly articulated why the pending claims, even before amendment, are not shown even in a combination of Edelman and Baclawski. If the Examiner is maintaining his

position that the pending claims are not patentable in light of Edelman and Baclawski, the M.P.E.P. requires that he respond to Applicant's arguments and articulate his reasons for maintaining his rejection. The Examiner cannot "decline to comment" as he did in the present Office Action. Office Action, page 2. Therefore, Applicant must again assume that the claims, even before amendment, are patentable over Edelman in view of Baclawski as, if they were not patentable, the Examiner would have articulated his reasons for such rejection in compliance with the M.P.E.P.

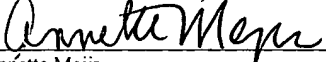
It is asserted that the present Communication places the application in a form for allowance or in better condition for appeal. Entry is earnestly solicited.

Respectfully submitted,

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Date